

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2457 OF 2010

Kaluram Baburao Chikane

.....Petitioner

V/S.

Balasaheb Yadu Khaire and Ors.

.....Respondents

* * * * *

Mr. Shriram S. Kulkarni, Advocate for the petitioner.

None for respondents no.1 to 13.

Mr. P.S. Hingorani, APP for the respondent no.14-State.

Coram : Smt. R.P. SondurBaldota, J.

31 January, 2011.

P.C. :

1. This petition challenges the order dated 10th August, 2010 passed by the Judicial Magistrate First Class, Saswad closing the evidence of the prosecution without the evidence of the Investigating Officer because the Investigating Officer was not attending to the

Court for a substantially long time. The petitioner is the original complainant. The learned APP states that the proceedings before the trial court now stand adjourned to 17th March, 2011 and that the Investigating Officer will remain present on that day before the trial Court for his evidence without fail. He also states that the Investigating Officer could not attend to the trial because of his hospitalisation.

2. Notice of this application has been served on all the respondents, who are the original accused. None of the respondents are present before the Court to oppose the application. Considering the nature of the application and the statement made by the learned APP, the petition is allowed in terms of prayer clause (a).

[Smt. R.P. SondurBaldota, J]